

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SUP-14339 - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-3/gt/se/sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for mixed-use developments.
2. Conformance to the Conditions for Rezoning (ZON-14338), Variances (VAR-14342, VAR-14345, VAR-14347), Vacation (VAC-12884) and Site Development Plan Review (SDR-14349) if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

## **\*\* STAFF REPORT \*\***

### **APPLICATION REQUEST**

This is a request for Special Use Permit approval of a proposed mixed-use development at the northwest corner of Charleston Boulevard and 10<sup>th</sup> Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14342, VAR-14345, VAR-14347, VAC-12884 and SDR-14349.

### **EXECUTIVE SUMMARY**

The proposed mixed-use development is consistent with the zoning and land use designations for the property, and will conform to the minimum standards for the use listed in Title 19.04. However, the number of Variances and Waivers required for the development suggests that the project is inappropriately scaled to the development site.

### **BACKGROUND INFORMATION**

#### ***A) Related Actions***

- |          |   |
|----------|---|
| 05/03/72 | The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 South 9 <sup>th</sup> Street. The Planning Commission recommended approval of the request on 04/13/72.   |
| 04/26/79 | The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 South 10 <sup>th</sup> Street.  |
| 09/27/84 | The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9 <sup>th</sup> Street.   |
| 02/06/91 | The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91. |
| 09/07/06 | The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, VAC-12884 and denial of GPA-14325, VAR-14342, VAR-14345 and SDR-14349 concurrently with this application.   |

09/07/06 The Planning Commission voted 4-3/gt/se/sd to recommend APPROVAL (PC Agenda Item #22/ff).

***B) Pre-Application Meeting***

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

***C) Neighborhood Meeting***

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 2.05

***B) Existing Land Use***

Subject Property:	Single-Family Residential Use
	Office Use
	General Commercial Use
North:	Office Use
South:	Office Use
	General Commercial Use
East:	Single-Family Residential Use
	Office Use
	General Commercial Use
West:	Single-Family Residential Use
	Office Use

**C) Planned Land Use**

Subject Property: C (Commercial)  
MXU (Mixed-Use) [Proposed: C (Commercial)]  
North: MXU (Mixed-Use)  
South: C (Commercial)  
East: C (Commercial)  
West: MXU (Mixed-Use)

**D) Existing Zoning**

Subject Property: R-4 (High-Density Residential)  
P-R (Professional Office and Parking)  
C-1 (Limited Commercial) [Proposed: C-1(Limited Commercial)]  
North: R-1 (Single Family Residential)  
P-R (Professional Office and Parking)  
South: C-1 (Limited Commercial)  
East: R-4 (High-Density Residential)  
P-R (Professional Office and Parking)  
C-2 (General Commercial)  
West: R-1 (Single Family Residential)  
P-R (Professional Office and Parking)

**E) General Plan Compliance**

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

<b>SPECIAL DISTRICTS/ZONES</b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Redevelopment Plan Area	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Neighborhood</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Redevelopment Plan Area**

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

## ANALYSIS

### A) *Zoning Code Compliance*

#### A1) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed mixed-use development.

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Mixed-Use	Residential uses may be permitted in commercial districts by means of a Special Use Permit	Y
	Non-residential use shall be located at the ground level fronting the primary public right-of-way	Y
	The architecture shall highlight the difference in uses	Y

The proposed development will conform to the minimum standards contained in Title 19.04 for mixed-use developments.

### B) *General Analysis and Discussion*

- Zoning

The properties that comprise the development site are intended to be rezoned to C-1 (Limited Commercial). The proposed commercial uses are permitted by right under the C-1 (Limited Commercial) zoning; the residential use is permitted upon approval of a Special Use Permit. While the proposed development will comply with setback requirements, the applicant has requested Variances for lot coverage, building setback requirements, and parking requirements. In addition, a Waiver from Residential Adjacency Standards has been requested as part of the application for the Site Development Plan Review (SDR-14349).

- Use

Within a C-1 (Limited Commercial) zoning district, residential uses permitted by right in the R-4 (High Density Residential) zone are permitted upon approval of a Special Use Permit. Commercial uses are permitted by right in the C-1 (Limited Commercial) district. The development will include a total 350 residential units and 18,000 square feet of commercial space.

- Conditions

The design of the development will conform to the minimum standards for mixed-use development as listed in Title 19.04, and no additional conditions of approval are necessary.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The design of the development adequately separates the commercial and residential components, and will not be significantly impacted by adjacent commercial land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

While the site is physically suitable for mixed-use development, the intensity of the project as proposed requires numerous Variances and Waivers. As such, the project does not appear to be appropriate to its context.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site immediately abuts Charleston Boulevard, a 100-Foot Primary Arterial as designated on the Master Plan of Streets and Highways, and has adequate capacity to serve the proposed development. The remainder of the site is bordered by 70 and 80-foot wide local streets, which may be impacted by the intensity of the development plan.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a mixed-use development for the subject site will not be inconsistent with the General Plan, nor would it compromise the public health, safety, and welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 294 by City Clerk

**APPROVALS** 3

**PROTESTS** 1